

DEPARTMENT OF THE NAVY
FLEET READINESS CENTER EAST
PSC BOX 8021
CHERRY POINT, NC 28533-0021

5720
11.6-AFG/18008820
23 July 2018

VIA FEDERAL EXPRESS:

Ms. Beverly Oxendine
118 Longleaf Drive
Newport, NC 28570

Subj: RESPONSE TO FREEDOM OF INFORMATION ACT REQUEST
DON-NAVY-2018-008820

Ref: (a) Your FOIA Request of 15 Jun 18
(b) FRC East FOIA Program ltr 5720 11.6-AFG/18008820 of 29 Jun 18
(c) DODM 5400.07
(d) 32 C.F.R. § 286
(e) 5 U.S.C. § 552

Dear Ms. Oxendine:

1. This letter is in response to reference (a), in which you seek the release of Fleet Readiness Center East (FRC East) records pertaining to the complaint you filed on or about 12 December 2013, alleging a violation of the Health Insurance Portability and Accountability Act laws when Mr. Doug Ford allegedly disclosed your personal medical condition/information to the shop and other employees that share the break room. You are specifically seeking a copy of the completed report and all releasable information regarding actions taken as a result of the alleged violation. Your request was perfected on 22 June 2018 and acknowledged by reference (b).

2. In response to your request, a record consisting of 18 pages was determined to be responsive. After review, it has been determined that 18 pages are appropriate for release and are provided as enclosure (1). However, all of the pages of enclosure (1) have been reviewed and redacted consistent with FOIA exemptions 5 U.S.C. § 552(b)(6), which protects information that, if disclosed, would result in a clearly unwarranted invasion of personal privacy, as a release made under the FOIA is a release to the general public at large and 5 U.S.C. § 552 (b)(5), which protects information that is deliberative in nature and part of a decision making process.

3. In accordance with references (c) through (e), because portions of the records have been withheld, you may consider this to be an adverse determination that may be appealed. If you have created an account in FOIAonline, you may submit your appeal directly within the web-based system by logging into your account and clicking the "Create Appeal" tab in the left-hand column. If you do not have a FOIAonline account, you may send an appeal by regular mail to

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the Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. It is recommended that your appeal and its envelope bear the notation "Freedom of Information Act Appeal."

4. For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or via telephone at 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. You may obtain information or submit your request for mediation services to OGIS at Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01. You may also contact OGIS via e-mail at ogis@nara.gov, telephone at 202-741-5770 (toll free at 1-877-684-6448) or facsimile at 202-741-5769.

5. Consistent with the provisions of references (d) and (e), the Agency is authorized to charge assessable fees, where applicable. In your case, you were advised by reference (b) that you are entitled to up to two free hours of search time and one hundred pages of records without incurring search or duplication charges. However, both search time and duplication costs were within the free entitlements, and you are not assessed any fees at this time.

6. You are advised that, in accordance with reference (e), the agency is required to make copies of all records released to any person under the FOIA available for public inspection and copying. This includes records the agency determines are, or are likely to become, the subject of subsequent requests for substantially the same records.

7. If you have any questions regarding this matter, you may contact this office via telephone at (252) 464-8336 or by e-mail at angel.gaskins@navy.mil or cp_legal.gm.fct@navy.mil.



JENNIFER B. TOLER

Encl: (1) Records Related to Possible Loss or Compromise of Personally Identifiable Information

(b)(6)

From: (b)(6)
Sent: Tuesday, February 25, 2014 12:13
To: (b)(6)
Cc: (b)(6)
Subject: Privacy Act
Signed By: (b)(6)

I briefed the XO this morning on the two recent PA issues that NAVAIR had indicated that we could address internally.

The supv has been given a LOR; the employee has been verbally counseled with documentation.

(b)(6)

To tell us what you think about the (b)(6) products/services/personnel, cut and paste this link into your browser.

<http://www.navair.navy.mil/survey/index.cfm?fuseaction=home.SurveyCaptcha&key=501152D4-8343-4DA6-B7E8-F70111D10B9F>

DEPARTMENT OF THE NAVY (DON)

LOSS OR COMPROMISE OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

BREACH REPORTING FORM

Initial Report

This form is intended to provide information regarding the INITIAL REPORT of a loss or suspected loss of PII (i.e., a breach). As additional breach information becomes available, this form can be submitted as often as necessary as a SUPPLEMENTAL REPORT. Select the report type from the drop down menu above. **DO NOT DELAY** submission due to lack of information.

US-CERT Number: _____

Today's Date: Dec 18, 2013

(In most cases, the US-CERT number will not be available for inclusion in the initial report. Please provide in supplemental report, when available.)

PERSON MAKING INITIAL REPORT

1. Name: (b)(6) 2. Title: (b)(6)
 3. Phone Number: W-(b)(6) C-(b)(6) 4. E-mail Address: (b)(6)
 5. Component (BUMED Activities should Select GNO): SECNAV

6. Organization/Branch/Unit Office:

Department of the Navy
 Fleet Readiness Center East
 PSC Box 8021
 Cherry Point, NC 28533-0021

LOSS OF PII/BREACH INFORMATION

7. Date of Breach: Dec 5, 2013 8. Breach Discovery Date: Dec 5, 2013 9. Breach Discovery Time: 0700 AM

(The one hour reporting requirement to notify US-CERT begins at the Date and Time command became aware of the breach. Use military format for time (i.e. 0930, 1455))

10. Individuals Affected by Breach:

Government Civilians: 33	Government Contractors: _____	Military (Active): _____
Military (Reserve): _____	Military (Dependent): _____	Military (Retired): _____
Members of the Public: _____	Other: _____	If Other, Specify: _____
Total Number of Individuals Affected by Breach:		33

11. Type of PII Lost (e.g., SSNs, Financial Data, Medical Data, etc):

As per affected employee and Union: Medical information about the employee was compromised.

12. Brief Description of the breach. Do not include specific names or PII of personnel whose information was lost or compromised.

On 05DEC13 at approximately 0700, a morning meeting was being held in a shop located at FRC East, Cherry Point, NC. During the meeting a supervisor was passing on information to an estimated 31 shop employees when an employee claimed unfair labor practices were taking place within the shop. The supervisor became irritated concerning the accusation and verbally discussed medical information about a particular employee; thus, compromising the employee's information in front of an estimated 31 other shop employees. Upon the reporting of his matter to (b)(6) a statement and Fact Finding submitted by the Union were reviewed. A follow up investigation was conducted by the (b)(6) (b)(6). Statements were obtained from witnesses, the alleged supervisor compromising the medical information and the affected employee. The supervisor confirmed (b)(6) discussed medical information about the affected employee; however, claimed the information was not as specific as implied by witnesses. Witnesses claim the affected employee had previously provided them with specific medical information about (b)(6) existing medical condition, prior to 05DEC13. See attachments for witness statements and Fact Finding results. Results of investigation or Privacy Act matter is pending review by the Legal Office.

DATA STORAGE/COLLECTION MEDIA TYPE INFORMATION

13. Data Storage/Collection/Media Type involved in Breach: Other	14. If Other or More Than One Type, Specify: Verbal
15. If the Breach Involved Hardware or Equipment, was the equipment (Check All That Apply):	
<input type="checkbox"/> Personally Owned	<input checked="" type="checkbox"/> Government Owned
<input type="checkbox"/> Encrypted	<input type="checkbox"/> Password Protected
	<input type="checkbox"/> Contractor Owned
	<input type="checkbox"/> PK Enabled
16. If the Breach Involved a Government Credit Card, was the Issuing Bank Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
17. What was the Cause of the Breach? Human error- Verbal discussion about medical information	
18. If Other, Specify:	

ORGANIZATION DESIGNATED OFFICIAL

19. Name: (b)(6)	20. Title: (b)(6)
21. Phone Number: W- (b)(6) ; C (b)(6)	22. E-mail Address: (b)(6)

Individual Notifications:

Based on information provided in this report, a risk analysis will be conducted by the DON CIO Privacy Office. If the analysis leads to the determination of a high risk potential for identity theft, this report's Organization Designated Official will be contacted within 24 hours and provided with additional guidance regarding the requirement for notifying individuals.

SENIOR OFFICIAL SIGNING NOTIFICATION LETTERS (IF APPLICABLE) (Usually the Commanding Officer)

23. Name:	24. Title:
25. Phone Number:	26. E-mail Address:

Submit Initial Report for SECNAV/NAVY Breaches

Submit Initial Report for MARINE CORPS Breaches

Submit Initial Report for BUMED Breaches

Submit Supplemental Report for SECNAV/NAVY Breaches

Submit Supplemental Report for MARINE CORPS Breaches

Submit Supplemental Report for BUMED Breaches

If this form will not work with your version of Adobe Acrobat, please follow the procedure in DON CIO WASHINGTON DC 291652Z FEB 08 LOSS OF PERSONALLY IDENTIFIABLE INFORMATION (PII) REPORTING PROCESS or MARADMIN 443/07 LOST PERSONALLY IDENTIFIABLE INFORMATION (PII) DATA.

(b)(6)

From: (b)(6)
Sent: Wednesday, December 11, 2013 10:15
To: (b)(6)
Cc:
Subject: RE: Report of potential Privacy Act Violation
Signed By: (b)(6)

(b)(6)

I am providing the following information that you requested when we discussed the subject issue this morning when I provided copies of the written statements originated by the shop steward and the chief steward.

In or about the August timeframe, (b)(6) submitted medical documentation indicating (b)(6). The supervisor for that shop (b)(6) turned in the medical documentation to me, because I am the Branch Head for Engines and Dynamic Components and as such, (b)(6) is a direct report to me. (b)(6) indicated at the time (b)(6) turned in the medical documentation that the affected employee desired have her health related issues kept confidential.

(b)(5)

On or about 12/06/2013, (b)(6), my direct supervisor gave me the written statements that I provided to you and told me to take appropriate action to address the issue.

Please perform an investigation regarding this issue to determine if a Privacy Act Violation has occurred and provide me with your findings.

V/R

(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Friday, December 06, 2013 1:49 PM
To: (b)(6)
Subject: Report of potential Privacy Act Violation

(b)(6)

Please contact me regarding subject upon your return.

Thank you,

(b)(6)

A/C Engines/Dynamic Components
Fleet Readiness Center-East

(b)(6)

Dec 5 2013

IN DEC. 5 2013 AT 0700 MEETING IN THE
Blade Shop 9438 (b)(6) WAS telling the
Shop about the upcoming Shop promotion that
seven position will be opening up. AND that
(b)(6) WAS changed the PD to include
all three shops. (b)(6) ASKED (b)(6)
about the others if position that WAS open last
week. Somebody meant those positions WAS
for someone else. (b)(6) got upset about the
rumor about (b)(6) WAS move down to other
Shop to get a promotion. And told everyone
the real reason why (b)(6) WAS move because
of medical condition. AND that (b)(6) had
(b)(6), TOLD everyone to keep
this in the shop.

(b)(6)

CHIEF STEWARD INTERVIEW WITH SUPERVISOR

FACT FINDING 12-5 1:40

- (b)(6) (b)(6) SAID (b)(6) HAS A HEALTH CONDITION.
- (b)(6)
- (b)(6) CALLED (b)(6) AT 7:20 TO LET (b)(6) KNOW
- (b)(6) FINE WITH IT ((b)(6) SAID)
- (b)(6)

Supervisor

(b)(6)

CIVILIAN EMPLOYEE ADMINISTRATIVE WARNING

I, **(b)(6)**, have been advised by **(b)(6)** whom I know to be an investigator appointed by the Commanding Officer at the Fleet Readiness Center East, Cherry Point, North Carolina that I am being questioned as part of an official administrative investigation.

I have been advised that:

- (1) I am going to be asked a number of specific questions concerning the performance of my official duties.
- (2) I have the duty to answer these questions. If I refuse to answer the questions asked by the Command Investigator, he can lawfully order me to answer the questions by the authority of his position. If I refuse to answer questions, disciplinary proceedings may be initiated by the Department as a result of that refusal.
- (3) I am subject to disciplinary action, up to and including discharge from government employment if I refuse to answer or fail to respond truthfully and fully to any questions. Any untruthful statement may result in a separate disciplinary action or proceeding lodged against me.

I understand the warning as related to me and as set forth above and fully realize my statement is being given pursuant to an administrative investigation.

Signature: **(b)(6)**
Date and Time: 18th 12-13 7:50
Witnessed: **(b)(6)**
Date and Time: 12-12-13 0755

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

Trailer 32

2. DATE

12-12-13

I, (b)(6), make the following
free and voluntary statement to (b)(6)
whom I know to be (b)(6)

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

On 12-5-13 At about 7:20 (b)(6) called me at the gear box shop and the conversation went as this:

me: hello

(b)(6) hey, you gonna be mad at me

me: why?

(b)(6) you gonna be mad

me: what did you do?

(b)(6) I'm so sick of hearing why a certain person has left the shop and now jobs have come open that they'll be able to put in for, when do I get to leave the shop?

me: who said that (b)(6)?

(b)(6) yes and others making comments

me: why didn't (b)(6) raise (b)(6) hand to volunteer to go to another shop like I did?

(b)(6) I know, but I told them why you left

me: No you didn't

(b)(6) yes I did, I'm so sick of hearing it over and over I should have walked away and took a breath but I didn't I'm sorry

me: I wished you hadn't done that, what's done is done, you can't put it back

(b)(6) I know

me: I don't want to hear any of their comments

(b)(6) I know

me: I'll come to see you later about this

(b)(6) I may not be here I got a meeting about gsc

me: I'll see you then

(b)(6) OK bye

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

Trailer 32

2. DATE

12-12-13

I, **(b)(6)**, make the following
free and voluntary statement of **(b)(6)**
whom I know to be **(b)(6)**

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

When I went there **(b)(6)** was gone. I saw **(b)(6)** and **(b)(6)** came to me and said, **(b)(6)** was sorry **(b)(6)** didn't know I said, nobody did till **(b)(6)** said it in the meeting and I don't want to hear these sort of things that happened?

(b)(6): **(b)(6)** is sorry **(b)(6)** said it and you could tell by **(b)(6)** face it was wearing **(b)(6)** down. **(b)(6)** was asking why was certain people allowed to leave the shop and **(b)(6)** just said it. It was complete silence in the room, nobody said a word and in **(b)(6)** defense **(b)(6)** did say **(b)(6)** was sorry **(b)(6)** didn't know **(b)(6)**, nobody did. When I found this out **(b)(6)** went me: my whole point **(b)(6)** and I told **(b)(6)** then not to say a word of this to nobody that I didn't want to hear it from nobody and **(b)(6)** told **(b)(6)** it was a private act and **(b)(6)** couldn't say anything and **(b)(6)** said **(b)(6)** knew and **(b)(6)** wouldn't say anything. Who else said anything?

(b)(6): I told **(b)(6)** **(b)(6)** shouldn't be saying anything about it and **(b)(6)** said you and **(b)(6)** have a love hate relationship
me: we have no relationship at all love or hate. I'll talk to you later on I gotta go to the bathroom

I go to the nearest bathroom at the V22 building and speak hello to **(b)(6)** and **(b)(6)**. When I come out of the bathroom **(b)(6)** is there and ask me, "Well are you gonna live?" I say, "Well we'll see." and I leave. This is the remarks and comment that I don't want or need to hear

(b)(6)

CIVILIAN EMPLOYED ADMINISTRATIVE WARNING

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I understand the warning as related to me and as set forth above and fully realize my statement is being given pursuant to an administrative investigation.

Signature: (b)(6)
Date and Time: (1) 12-12-2013 13:00
Witnessed: (b)(6)
Date and Time: 12-12-2013 1305

ENCLOSURE (6)

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

Trailer 32

2. DATE

12-12-13

I, **(b)(6)**, make the following
free and voluntary statement to **(b)(6)**
whom I know to be **(b)(6)**

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

December 5, 2013 In Shop 94304 Breakroom I was holding a shop meeting. I was talking about four job openings for WG-8840-09. When **(b)(6)** asked me how people have the chance to leave the shop before a job opening comes open to get trained in the Area where the job is opening, I asked **(b)(6)** if **(b)(6)** was on the resource pool because that was one way to get cross training. **(b)(6)** said **(b)(6)** is on the resource pool but **(b)(6)** state that not what **(b)(6)** was asking. **(b)(6)** state the a certain ones got to be moved in order to have special training. I then looked around to see who in the shop who had been moved out the shop to another shop since I have taken the job backmarker and I could not think of anyone. So then **(b)(6)** then stands up and looks around the area where the rest of the shop is standing and didn't see who **(b)(6)** wanted to say. Then it hit me, it was **(b)(6)**. I stated that **(b)(6)** did not get move to shop 94315 **(b)(6)** because **(b)(6)** was getting special treatment or training. I stated that **(b)(6)** had a medical problem and could not be in the shop. Because of this reason, I stated **(b)(6)** could not be in the shop because **(b)(6)**. **(b)(6)** So I told everybody in the shop if they would not be in other ~~business~~ personal matters and do what they need to do I would not have to spill the beans on **(b)(6)**. I also asked the shop to call and check on **(b)(6)** once and a while to see how **(b)(6)** was doing. I then informed the shop what we talk about in the shop stays in the shop and I would be calling **(b)(6)** and letting **(b)(6)** know what was said. The meeting was over so I went to the office and called **(b)(6)** at **(b)(6)**. I explain to **(b)(6)** people in the shop were questioning me about why **(b)(6)**

1/2

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

Trailer 32

2. DATE

12-12-13

I, **(b)(6)**, make the following
free and voluntary statement to **(b)(6)**
whom I know to be **(b)(6)**

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

moved to the shop. I explain to **(b)(6)** that me knowing what was wrong with **(b)(6)** and trying to keep it from others not knowing was hard. I told **(b)(6)** over the phone 3 different times I was sorry and **(b)(6)** said she understood why I said it and **(b)(6)** was not upset or mad at me.

(b)(6)

CIVILIAN EMPLOYED ADMINISTRATIVE WARNING

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I understand the warning as related to me and as set forth above and fully realize my statement is being given pursuant to an administrative investigation.

Signature

Date and

Witnessed:

Date and Time:

(b)(6)(b)(6)

(b)(6)

12-13-13

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

TRAILER 32

2. DATE

12-13-13

I, **(b)(6)**, make the following
free and voluntary statement to **(b)(6)**,
whom I know to be **(b)(6)**.

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

During the morning meeting **(b)(6)** was asked a sarcastic question concerning why **(b)(6)** was moved to specifically get experience in a shop where there is an open promotion potential. The question was asked in a very ugly way making it sound as if **(b)(6)** received favoritism. **(b)(6)** stated that **(b)(6)** was not moved for this reason, but rather for a medical issue. **(b)(6)** stated that **(b)(6)** needed to **(b)(6)**. **(b)(6)** was moved to **(b)(6)** was the only shop in the 8840 Branch that was **(b)(6)**. **(b)(6)** stated that **(b)(6)** would be there until **(b)(6)** found out what was medically going on.

(b)(6) has previously told me of **(b)(6)** medical conditions before this meeting and **(b)(6)** didn't tell me not to tell anyone about these issues.

(b)(6)

CIVILIAN EMPLOYEE ADMINISTRATIVE WARNING

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I understand the warning as related to me and as set forth above and fully realize my statement is being given pursuant to an administrative investigation.

Signature: (b)(6)

Date and Time: 12-13-13 10:15

Witnessed: (b)(6)

Date and Time: 12/13/13 10:15

DEPARTMENT OF THE NAVY
VOLUNTARY STATEMENT

1. PLACE

TR. 32

2. DATE

12.13.13

I, **(b)(6)**, make the following
free and voluntary statement to **(b)(6)**
whom I know to be **(b)(6)**

I make this statement of my own free will and without any threats or promises extended to me. I fully understand that this statement is given concerning my knowledge of

IN OUR MORNING SHOP MEETING AN EMPLOYEE **(b)(6)**
(b)(6) BROUGHT UP THE FACT, THAT ANOTHER EMPLOYEE
(b)(6) GETS TO MOVE SHOP TO SHOP FOR
ADVANCEMENT REASON'S, OUR SUPERVISOR DEFENDED
(b)(6) AND STATED **(b)(6)** WAS MOVED FROM OUR
SHOP DUE TO MEDICAL ~~ISSUES~~ ISSUES **(b)(6)**
(b)(6)

(b)(6)

ORIGIN ID:EWNA (252) 464-7115
COMMANDING OFFICER
FLEET READINESS CENTER EAST
PSC BOX 8021
BLDG 137 A STREET
CHERRY POINT, NC 28533
UNITED STATES US

SHIP DATE: 23JUL18
ACTWGT: 0.15 LB MAN
CAD: 0043694/CAFE3108

BILL SENDER

TO **MS. BEVERLY OXENDINE**

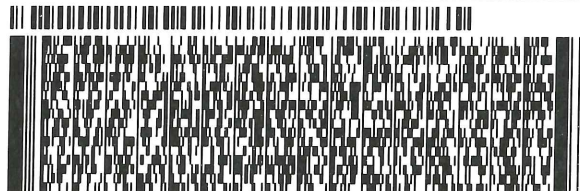
118 LONGLEAF DRIVE

NEWPORT NC 28570

PO: 252-464-8336

REF: ANGEL GASKINS

DEPT: LEGAL DEPT



FedEx
Express



J171016102001 uv

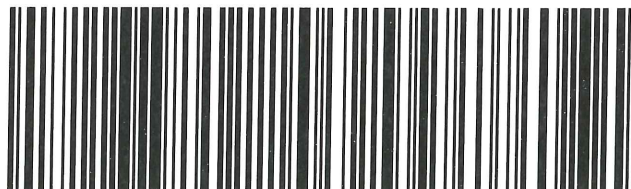
TRK#
0201 9845 6540 6556

TUE - 24 JUL 4:30P
PRIORITY OVERNIGHT

24 EWNA

28570
NC-US GSO

Part # 156148-434 RIT2 02/12



546C3/FB77/53C1